

**DECLARATION OF
ERIC MAKI ISO
GOOGLE LLC'S
RESPONSE TO THE
COURT'S 10/27/22
ORDER TO SHOW
CAUSE (DKT. 784)**

**Redacted Version of
Document Sought to
be Sealed**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION

CHASOM BROWN, et al., individually and
on behalf of all similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

DECLARATION OF ERIC MAKI

1. I am a Senior Staff Software Developer at Google, and I lead the ad selection and optimization serving infrastructure teams. I have been employed at Google since May 2012, and since then have been working on Google Display Ads serving infrastructure. As part of my duties, I am familiar with [REDACTED] logs and logs related to third-party exchanges. I make this declaration of my own personal, firsthand knowledge, and if called as a witness, I could and would testify competently thereto.

[REDACTED] Logs

2. I have reviewed the declaration of Martin Šrámek served in the above-captioned litigation on June 14, 2022, which identified, among other logs, the following [REDACTED] logs that contain the “maybe_chrome_incognito” bit:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- 1 • [REDACTED]
- 2 • [REDACTED]
- 3 • [REDACTED]
- 4 • [REDACTED]
- 5 • [REDACTED]
- 6 • [REDACTED]
- 7 • [REDACTED]
- 8 • [REDACTED]
- 9 • [REDACTED]
- 10 • [REDACTED]
- 11 • [REDACTED]
- 12 • [REDACTED]
- 13 • [REDACTED]
- 14 • [REDACTED]
- 15 • [REDACTED]¹

16 3. Attached hereto as Exhibit A is a document I assisted with preparing as part of my
17 duties at Google. As explained in Exhibit A, [REDACTED] and
18 [REDACTED]
19 [REDACTED] logs, including all of the [REDACTED] logs listed above in paragraph 2, are
20 intended to contain [REDACTED].
21 They do not contain [REDACTED].

22 4. Before being contacted by counsel for purposes of this declaration, I was not aware
23

24 ¹ I understand that this log was disclosed in the declaration of Martin Šrámek served in the
25 above-captioned litigation on May 31, 2022, and the June 14, 2022 Declaration of Martin Šrámek
26 states that “In Google’s previous disclosures and in my previous declaration, a typographical error
27 led to the inadvertent disclosure of the [REDACTED] version of log [REDACTED]. The correct name for the equivalent log that contains data
28 for users of Google services is [REDACTED].” To be clear, [REDACTED]
[REDACTED] also contains the “maybe_chrome_incognito” bit, but it does
not contain any external user data.

1 of the “maybe_chrome_incognito” bit or any other bit that purports to estimate Chrome Incognito
2 status. The [REDACTED] logs listed above in paragraph 2 draw on the same [REDACTED] proto
3 used by the [REDACTED] and [REDACTED] logs. For that reason, any
4 field in the [REDACTED] and [REDACTED] logs would also be
5 automatically replicated in these logs—regardless of whether that field is populated with data
6 reflecting user browsing activity. As such, when the maybe_chrome_incognito bit was added to the
7 [REDACTED] or [REDACTED] logs, it was copied to each of the [REDACTED]
8 logs identified in paragraph 2 above.

9 5. I am not aware of any use of the [REDACTED] logs identified in paragraph 2 to perform analysis
10 specifically directed at Incognito browsing.

11 [REDACTED] *Log*

12 6. The declaration of Martin Šrámek served in the above-captioned litigation on June
13 14, 2022 also identified, among other logs, the following [REDACTED] logs that contain the
14 “maybe_chrome_incognito” bit.

- 15 • [REDACTED]
- 16 • [REDACTED]
- 17 • [REDACTED]

18 7. Log [REDACTED] is an equivalent variant of the [REDACTED]
19 [REDACTED] log identified in the May 31, 2022 Declaration of Martin Šrámek for different product
20 use cases. As explained in Exhibit A, [REDACTED] records ad request traffic involving
21 Google ad exchanges (e.g., Google Display Network (“GDN”), Google Ad Exchange (AdX) and
22 Google AdMob); while [REDACTED] records traffic involving Google
23 AdWords or DV360 ads served by non-Google exchanges, and is used for modeling and analysis of
24 the functionality of AdWords or DV360 ads served by non-Google exchanges. Logs [REDACTED]
25 [REDACTED] and [REDACTED] record a partial sample of
26 instances in which Google either did not win or did not bid in a third-party ad auction, and are used
27 to, among other things, evaluate Google’s bidding strategy.

1 8. These logs draw on the same [REDACTED] proto as used by the [REDACTED]
2 [REDACTED] log. For that reason, any field in the [REDACTED] log would also be
3 automatically replicated in these logs. As such, when the maybe_chrome_incognito bit was added
4 to the [REDACTED] log, it was copied to each of the [REDACTED] logs
5 identified in paragraph 5 above.

6 9. The [REDACTED] logs identified in paragraph 5 above are not shared with
7 third parties..

8 10. I am not aware of any use of the [REDACTED] logs identified in paragraph 5
9 above to perform analysis specifically directed at Incognito browsing.

10
11 I declare under penalty of perjury that the foregoing is true and correct.

12 Executed on the 30th day of November, 2022 at Kitchener, Ontario, Canada.

13
14 By: DocuSigned by:

Eric Maki

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Eric Maki